



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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MAY 06 2016

Cynthia Krass
Snoqualmie Valley Preservation Alliance
PO Box 1148
Carnation, WA 98014

Dear Ms. Krass:

**Re: APPROVED Seasonal Change Authorization for G1-126873CL, King County,
Water Resources Inventory Area 7**

The Department of Ecology (Ecology) received your application for a seasonal change of Water Right Claim G1-126873CL on March 21, 2016. Your application has been assigned control number CG1-126873CL@3. Please refer to this number when corresponding with us about this seasonal change authorization.

BACKGROUND INFORMATION

G1-126873CL is a water right claim filed by Tall Chief Associates Limited in June 1974, attesting to pre-code (RCW 90.44) vested rights to groundwater. The quantities of water claimed were 200 gallons per minute (gpm) and 320 acre-feet per year (afy). The quantities listed as presently used were 175 gpm and 280 afy. The purpose of use was listed as irrigation, from March 1 through November 1. The point of withdrawal (POW) was listed as being within the SE¼ NE¼ of Section 5, Township 24 North, Range 7 East, W.M. The POW was described as being 1650 feet south and 600 feet west from the northeast quarter corner of said Section 5. The place of use (POU) was described as the E½ NE¼ of Section 5, Township 24 North, Range 7 East, W.M.

In 2013, at the request of John Tomlinson of Tall Chief Golf, G1-126873CL was temporarily placed into the Washington State Trust Water Rights Program. Mr. Tomlinson had provided water use information attesting to the use of up to 150 gpm and 96.9 afy during the previous five years of beneficial use. Ecology accepted the temporary donation for the specified quantities for groundwater preservation and to enhance the flows of the Snoqualmie River.

The POU and G1-126873CL are now owned by the King County Department of Natural Resources and Parks (DNRP), Water and Land Resources Division. On July 10, 2015, Christie True, DNRP Director, sent Ecology a written request to have G1-126873CL removed from the Trust Program. On July 15, 2015, Ecology removed G1-126873CL from the Trust Program.



Under the subject application you requested, with DNRP's approval, to transfer a portion of G1-126873CL to a property known as Experience Farming Project (EFP), owned by David Andrews and Claire Foster.

In 2015, you made a similar request for a seasonal change. Based on that request, on July 22, 2015, Buck Smith (Senior Hydrogeologist) of my staff met with you and Sean Stratman (EFP Manager). Mr. Stratman provided a tour of the project and explained the proposed diversion from the Snoqualmie River by use of a tractor-operated power takeoff pump (PTO). The PTO will provide irrigation water through hoses, sprinklers, and drip lines to the project.

Your requested changes are as follows:

- A transfer not to exceed 0.12 cubic feet per second (54 gallons per minute).
- A seasonal volume not to exceed 5 acre-feet.
- For irrigation of up to 7 acres.
- An end date of October 1, 2015.
- A point of diversion from the Snoqualmie River, approximately 6 miles downstream of the original POW. It will be located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 26 North, Range 7 East (parcel #3126079019).
- A POU located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 26 North, Range 7 East (parcel #3126079019) and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 26 North, Range 7 East (parcel #3226079031).

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Your request for a partial seasonal change in the place of use and point of diversion for the 2016 irrigation season is hereby **APPROVED** under the terms and conditions listed below.

- This seasonal change does not allow for an enlargement of water use or total irrigated acres as described in G1-126873CL.
- The instantaneous rate under this seasonal change, for Experience Farming Project, shall not exceed 0.12 cubic feet per second.
- The total volume used under this seasonal change, for Experience Farming Project, shall not exceed 5 acre-feet.
- Suitable flow measuring devices or methods must be utilized to ensure the limits of this seasonal change are not exceeded.

- This seasonal change is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement. By ensuring no enlargement of the rate of water use or the number of irrigated acres, this authorization should have no greater impact on tribal rights than the original claim.
- If it can be shown that water use under this seasonal change is causing impairment of existing rights or is being used illegally, then this authorization will be immediately canceled.
- This seasonal change does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between you and the owner of the land.
- Violation of any of the terms and conditions of this seasonal change will result in this authorization being immediately canceled, issuance of administrative orders to cease and desist, and may also subject the violator to civil penalties.
- Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, point of diversion, measuring device, and associated distribution systems for compliance with water law.
- The diversion intake shall be screened in accordance with Washington Department of Fish and Wildlife screening criteria. See: <http://wdfw.wa.gov/about/contact/>
- **This seasonal change shall be in effect through October 1, 2016** (unless canceled sooner); at which time the subject right will revert back to the original attributes described in G1-126873CL.
- **THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) CHANGE AUTHORIZATION WILL ISSUE FOR THE FUTURE USE OF THE WATER HEREIN AUTHORIZED.**

If you have any questions or concerns regarding this Authorization, please contact Buck Smith at buck.smith@ecy.wa.gov or (425) 649-7147.

OPPORTUNITY TO APPEAL

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

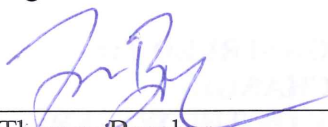
- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

*For additional information visit the Environmental Hearings Office
Website: <http://www.eho.wa.gov>*

*To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>*

Signed at Bellevue, Washington, this 6th day of May, 2016.



Thomas Buroker
Section Manager
Water Resources Program

cc: Steve Evans, Farm Specialist, King County DNRP, Water and Land Resources Division

tb/bs/mc

Enclosure: Your Right to be Heard

By Certified Mail: 9171 9690 0935 0106 7172 67